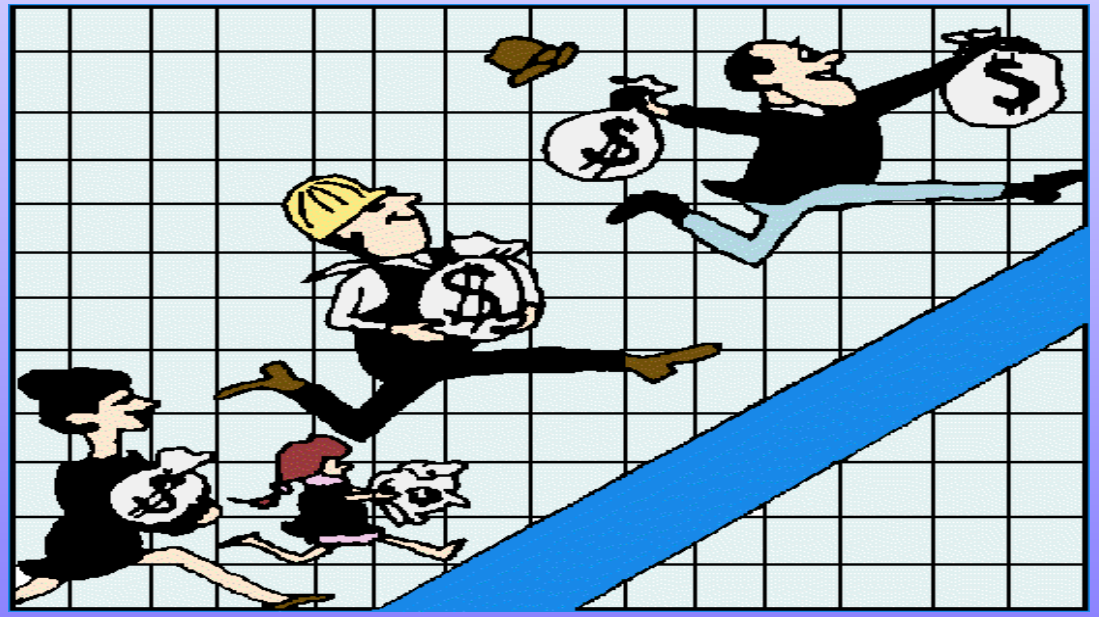
FUNDRAISING

Victory thru Justice!



ADMINISTRATIVE LAW DIVISION

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OUTLINE
Fundraising

- Principles
- References
- Fundraising: Official Capacity
  - What is Allowed/Not Allowed
- Fundraising: Personal Capacity
- Miscellaneous Issues

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ETHICAL PRINCIPLES

- **Personnel shall not:**
  2. Hold financial interests that conflict with conscientious performance of duties
  7. Use public office for private gain
  8. Give preferential treatment to any PO or individual
  9. Use Government Property for other than authorized purposes

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Key Concept

- **Fundraising is like Alcohol**
  - Everyone likes it.
  - It gives you a warm feeling inside.
  - Some people never get enough.
  - It's legal, but worrisome.
  - It causes people to do things t
    their co-workers that they would
    not normally do.

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Regulatory Authority

- Standards of Ethical Conduct for Employees of the Executive Branch
- Joint Ethics Regulation
- Executive Orders
- Agency Regulations
- Policy Guidance
- Internet Resources

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Complicated

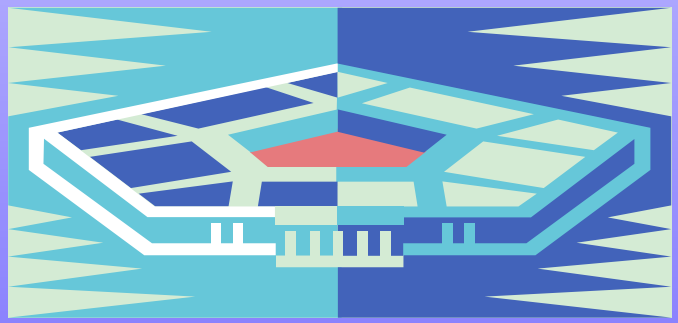
No comprehensive guidance

Site regulations (GSA, Pentagon)

Government wide regulations (CFC) – (5 CFR Part 950)

Agency regulations

Policy



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Decision Matrix

- **What kind of fundraising is this?**
  - "Fundraising" defined at 5 CFR 2635.808(a)
    - Raising funds
    - For nonprofit organization
    - Through solicitation or participation in e

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Decision Matrix (cont.)

- **“Other” fundraising**
  - Collection of gifts-in-kind
  - Fundraising for groups that are not qualified as “nonprofit organizations”

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Decision Matrix (cont.)

- Are we being asked to solicit funds?
  - Official capacity or personal capacity
- Are we being asked to support events?
  - Official capacity or personal capacity

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Decision Matrix (cont.)

- Are we being asked to endorse fundraising efforts?
  - Official capacity or personal capacity
- Is this for a partisan political cause or party?

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Official Capacity

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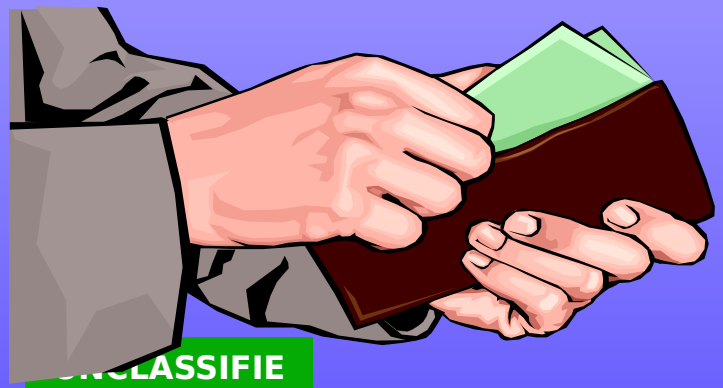
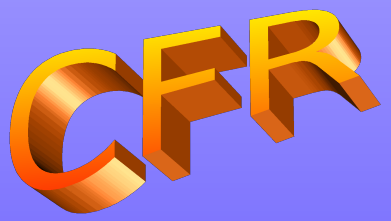
Official Capacity

- **VERY LIMITED!!!**
- **Fundraising in an "official capacity requires authorization pursuant to statute, Executive Order, regulation, or other authority making such activity part of an employee's official duties.**





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Official Support (cont.)

- Use of DoD personnel and their status
  - Presence as a draw to fundraisers
    - Mere attendance or official policy speech only
  - Honorary chair, name on letterhead

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Official Support (cont.)

- GSA controlled property
  - 41 CFR 101-20.308(a)
  - Non-profit and religious orgs may solicit
  - GSA Building Manager

JER 3-210 Authorized

- Duty hours
- Use of official title position and authority
- Innovative promotional events
- Limited appropriated fund support

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Official Support

- More authority to provide support than to solicit.
  - JER 3-211
  - CFC Regulation (5 CFR Part 950)
  - GSA Building Regulations

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LOGISTICAL SUPPORT (JER 3-211)

May provide limited logistical support to NFE event:

Speakers, panel members, facilities, equipment

A. May not interfere with official duties

B. Serves official interests

C. Appropriate for DOD involvement

D. Is of benefit to DOD or local civilian community

E. Does not offer preferential treatment

F. Admission fee may not exceed event

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Official Support (cont.)

- Combined Federal Campaign (CFC)
  - 5 CFR 2635.808 (fundraising)
  - 5 CFR Part 950 (CFC)
  - DoDD 5035.1 (CFC in DoD)
  - DoDI 5035.5 (CFC overseas)
  - JER 3-210, 2-302

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Official Support (cont) (CFC)

- Fundraising events encouraged
- Limited use of appropriated funds
- Contributions: voluntary only
- May officially endorse
- May not solicit non-Feds
- Ship tours, tank rides, etc.????

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CFC Impermissible Activities

- **Cannot receive something of value in exchange for contribution**
- **May not solicit outside of the Govt**
- **Coercive**
  - **Solicitation by chain of command**
  - **Establishing personal $ goals**
  - **Lists of non-contributors**
  - **Improper use of contributor lists**

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JER 3-210 Authorized

- **Service Relief Activities**

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Official Support (cont.)
Military Relief Societies

- Comply with Military Dept. regulations
  - Use of appropriated funds
- May endorse fundraising
- Support IAW JER 3-210
- Ship tours, golf with the CO, etc.???

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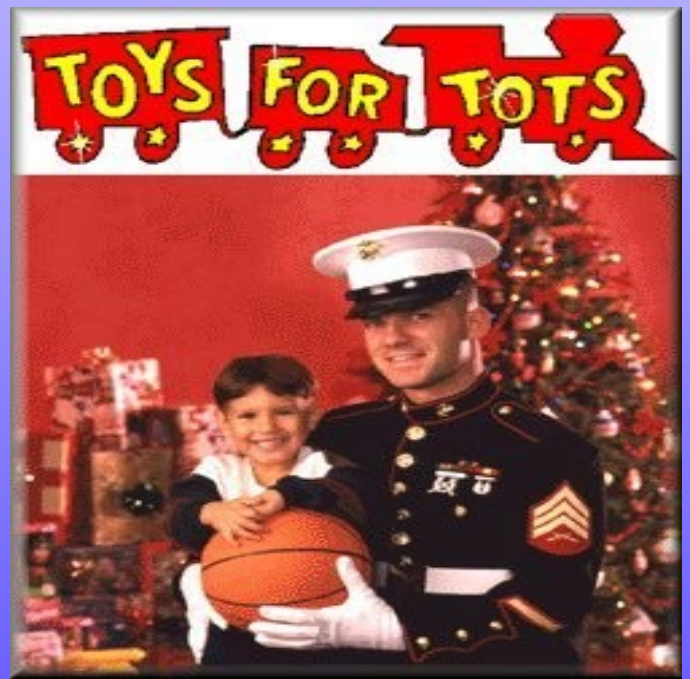
JER 3-210 Authorized

- **National Guard (32 USC 508)**

Toys for Tots (Marine Corps Reserve)



Official Support (cont.)

- **National Guard**
  - Charitable orgs when approved by head of organization
  - Voluntary assistance only
  - May endorse fundraising
  - JER 3-210(a)(7)

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Official Endorsement

- **JER 3-209: No, but JER 3-210 allows:**
  - **CFC**
  - Military relief societies
  - OPM emergency appeals
  - Organizations of DoD personnel raising funds among members for benefit of members, when approved
  - National Guard exception

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Fundraising: Personal Capacity

GENERAL RULE

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No Personal Fundraising in the Workplace (Disruption, competes w/CFC, abuse of power/curry favor)

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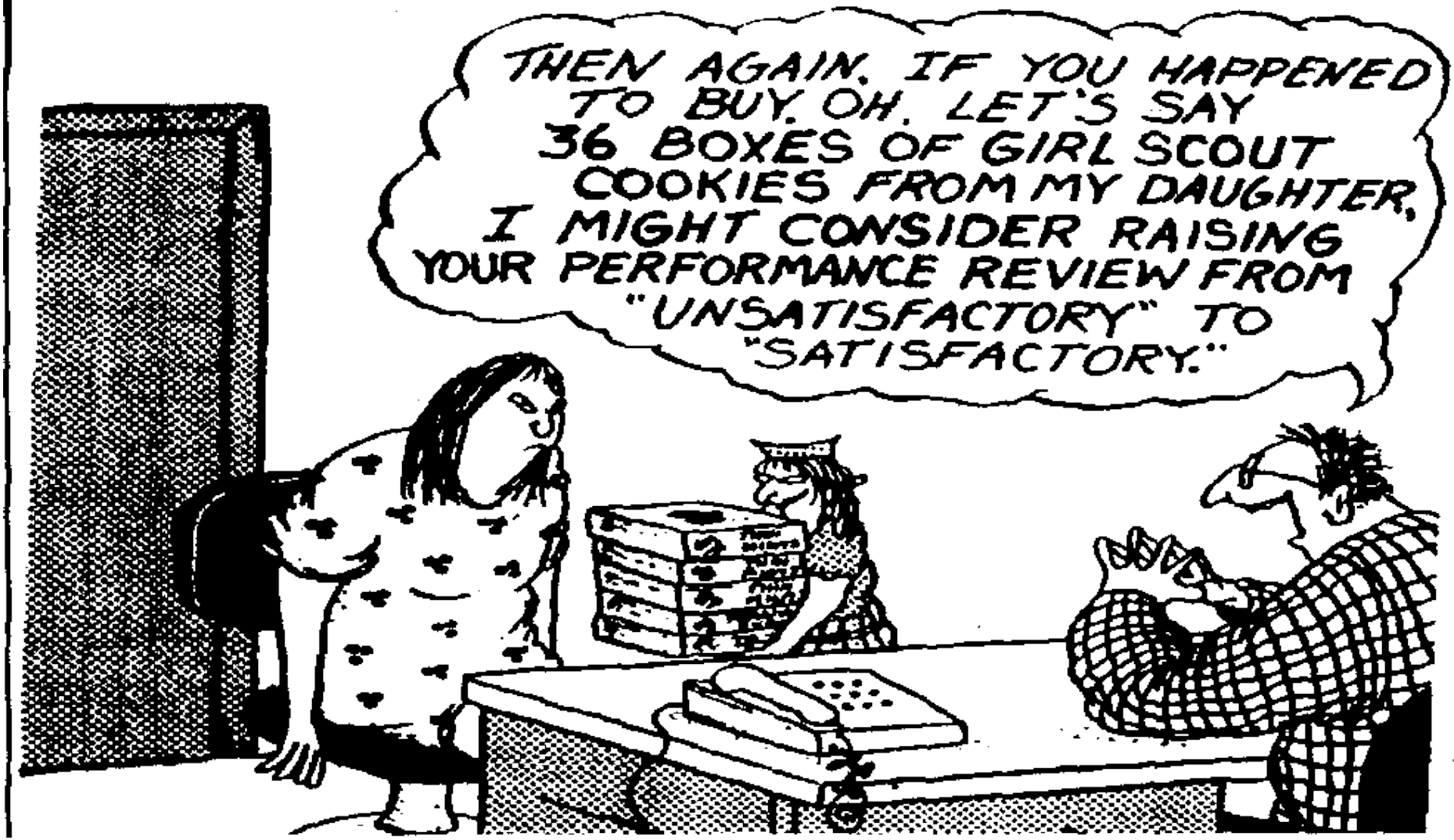
PERSONAL FUNDRAISING


THEN AGAIN, IF YOU HAPPENED TO BUY, OH, LET'S SAY 36 BOXES OF GIRL SCOUT COOKIES FROM MY DAUGHTER, I MIGHT CONSIDER RAISING YOUR PERFORMANCE REVIEW FROM "UNSATISFACTORY" TO "SATISFACTORY."

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Fundraising in a Personal Capacity

- GSA Property (No alms, solicit business, sell, display ads)
  - But collection boxes ok-food/clothes for charity
- What is the Federal Workplace? (Agency Head)
- Support (JER 3-211)

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Personal Solicitation

- Federal employees may not:
  - Solicit from subordinates
  - Solicit from prohibited sources
  - Use or permit use of official title, position or authority
  - 5 CFR 2635.808

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Other Fundraising

- Org. heads may allow personnel to solicit in personal capacity in designated areas (JER 3-300a(2))
- May use official channels to notify personnel of items of interest to personnel (JER 3-208)

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Other Fundraising

- May not fundraise in Federal Workplace
  - 5 CFR 950.102(a)
  - Exempt: gifts-in-kind
  - Solicitations among members for members
  - “Federal Workplace” established by head of org. (JER 3-211b)

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Political Fundraising

- Not in the Federal workplace
- Depends upon status of individual
  - Hatch Act (civilians through GS 15)
  - Old Hatch Act (Career SES)
  - DoDD 1344.10 (Military Personnel)
  - DepSecDef Memo 2/7/2000 (PAS and non-career SES personnel)

Fundraising After Disasters

Victory thru Justice!

- **See ”How Can We Help”?**

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Disaster Fundraising

- OPM emergency appeals
  - Fundraising allowed in workplace
  - May endorse fundraising
  - Support IAW JER 3-211

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Gambling

- JER 3-202, 5 CFR 735.201
  - No gambling on Gov’t property
  - No gambling while on duty
  - Exception for local fundraising (subject to local law)

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Gambling (cont.)

- Gambling must contain 3 elements:
  - ✓Consideration
  - ✓A game of chance
  - ✓The offering of a prize

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QUESTIONS ?

For fundraising questions please call an Administrative Law attorney at 442-1089 or 442-2703

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